

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

TRUSTEES OF THE IRON WORKERS :
DISTRICT COUNCIL OF SOUTHERN
OHIO & VICINITY PENSION TRUST,

Plaintiff, : Case No. 3:10-cv-082

-vs- : District Judge Walter Herbert Rice
ALLSTATE STEEL ERECTORS, : Magistrate Judge Michael R. Merz

INC., et al,

Defendants.

ORDER DENYING STAY

This case is before the Court on Defendant Capital City Steel's Motion to Stay Discovery and Upcoming Pretrial Deadlines until after the Court decides its Motion to Dismiss for lack of personal jurisdiction.

The Motion is denied because it does not show compliance with S. D. Ohio Civ. R. 7.3. Moreover, for the reasons set forth in the Report and Recommendations, the Motion to Dismiss is completely without merit and borders on being sanctionable under Fed. R. Civ. P. 11. Finally, even if the Motion to Dismiss were granted, presumably the Plaintiff would immediately refile in whichever United States District Court embraces the corporate headquarters of Capital City and the same discovery would be needed.

April 22, 2011.

s/ **Michael R. Merz**
United States Magistrate Judge